

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

RICHARD D. LONG,

Plaintiff,

v.

3M COMPANY, et al.,

Defendants.

Case No. 3:23-cv-1325-AR

**ORDER ADOPTING FINDINGS AND
RECOMMENDATION TO GRANT
MOTION TO REMAND**

Devin Robinson, Law Offices of Devin Robinson, P.C., 9450 SW Gemini Dr., Pmb 27074, Beaverton, OR 97008; Ethan Horn, Jordan Blumenfeld-James, and Misty A. Farris, Dean Omar Branham Shirley LLP, 302 N. Market Street, Suite 300, Dallas, TX 75202. Attorneys for Plaintiff.

Christopher S. Marks, Dirk Bernhardt, and Malika Johnson, Tanenbaum Keale LLP, 701 Pike Street, Suite 1575, Seattle, WA 98101. Attorneys for Defendant Foster Wheeler Energy Corporation.

IMMERGUT, District Judge.

United States Magistrate Judge Jeff Armistead issued his Findings and Recommendation (“F&R”) in this case on January 31, 2024. ECF 118. Defendant Foster Wheeler Energy Corporation filed Objections to the F&R, ECF 120, to which Plaintiff Richard D. Long responded, ECF 123. This Court has reviewed de novo the portions of the F&R to which

Defendant Foster Wheeler Energy Corporation objected. For the following reasons, this Court ADOPTS Judge Armistead's F&R.

Under the Federal Magistrates Act ("Act"), as amended, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge's F&R, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act "does not preclude further review by the district judge, *sua sponte*" whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

This Court has reviewed de novo the portions of Judge Armistead's F&R to which Defendant Foster Wheeler Energy Corporation objected. Judge Armistead's F&R, ECF 118, is adopted in full. This Court GRANTS Plaintiff's Motion to Remand, ECF 84. This case is REMANDED back to the Circuit Court of the State of Oregon for the County of Multnomah.

IT IS SO ORDERED.

DATED this 29th day of February, 2024.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge